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ATTORNEY DOCKET NO. 03131466

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
J. Alfonso, et. al.

Serial No.: 09/527,291

Filing Date: March 17, 2000

For: PARTICLE FILLED RESINOUS
PRODUCT OF IMPROVED APPEARANCE

Box RESPONSE FEE
Assistant Commissioner Of Patents
Washington, D.C. 20231

) Group Art Unit: Mary Lynn F. Thiesen

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) Examiner: 1732

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents Mail Stop Petition, P.O. Box 1480, Alexandria, VA 22313-1450

Timothy Hubalik

**PETITION TO REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181**

Dear Sir:

1. Applicant hereby petitions, in accordance to 37 C.F.R. 1.181, that the holding of abandonment be withdrawn from the patent application referenced above.

2. Applicant states that the response to the Examining Attorney's office action dated April 2, 2002 was timely filed. Applicant forwarded a Petition for Three-Month Extension of Time and Amendment and Response on October 2, 2002 via Express Mail airbill number EV113339965US.

3. As evidence of the above mailing, Applicant attaches a copy of the Petition for Three-Month Extension of Time and Amendment and Response dated October 2, 2002.

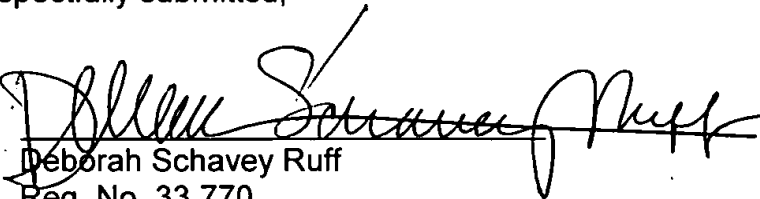
4. As Applicant timely filed their Amendment and Response to the Office Action dated April 2, 2002, there should be no fees associated with this Petition. If the

Commission finds that any fees are due in connection with this Petition, the
Commissioner is authorized to charge any fees to our deposit account 13-0019.

As Applicant timely filed the Petition for Three-Month Extension of Time and
Amendment and Response, it is respectfully requested that the holding of abandonment
be withdrawn from this application.

Respectfully submitted,

By:


Deborah Schavey Ruff
Reg. No. 33,770

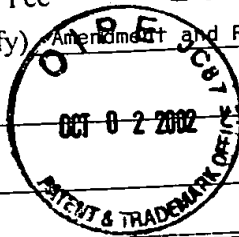
MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, Illinois 60690-2828

(312)-701-8601

Date: 28 July 2003



- ☐ Application (TM/ITU/PAT) ☒ Request for Extension of Time
☐ Fee To Deposit Acct. ☐ () Specimens
☐ Recordal Documents ☐ 8 & 15 Affidavit
☐ Statement of Use ☐ Renewal Appln.
☐ Maintenance Fee ☐ Cover Letter
☒ Other (specify) Amendment and Response



File No. 02969924 Attorney DSR

Applicant Formica Corporation

Mark/Title PARTICLE FILLED RESINOUS

PRODUCT OF IMPROVED APPEARANCE

U.S.S.N. 09/527,291

Fee Amount 0.00 Deposit Acct. Used Y

Due Date 10-02-02 Mailing Date 10-02-02

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Attorney Docket No. 02969924

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) Examining Attorney:
) Mary Lynn F. Thiesen
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Timothy Hubalik

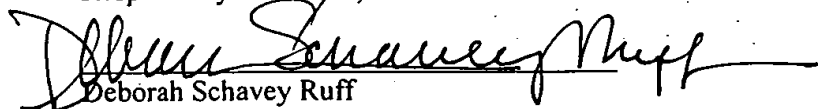
Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION FOR THREE-MONTH EXTENSION OF TIME

Applicant hereby petitions for a three-month extension of time to respond to the Office Action mailed on April 2, 2002. Enclosed is a check in the amount of \$920.00 for the three-month extension of time for Response.

If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and such fee should also be charged to our Deposit Account.

Respectfully submitted,


Deborah Schavey Ruff
Registration No. 33,770

DATED: October 2, 2002

Mayer, Brown, Rowe & Maw
P. O. Box 2828
Chicago, Illinois 60690-2828
(312) 782-0600



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Washington, D.C. 20231


Timothy Hubalik

Commissioner For Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE

Sir:

This is in response to the Office Action mailed April 2, 2002 for the above-identified application. In response to that Office Action, please amend the application as follows:

SPECIFICATION

Please amend the specification as follows:

On page 1, lines 1-3 at the end of line 3 delete "." and add —, U.S. Patent No. 6,040,045.—

CLAIMS

Please amend the claims as follows:

1. (amended) A method of making a particulate ["pearlescent"] pearlescent pigment for plastic products [which comprise] said particulate comprising small hard resin particles of different sizes containing pearlescent reflective flakes which are aligned in each particle with their flat surfaces generally parallel, the method comprising: mixing a binder resin with said pearlescent reflective flakes, solidifying the binder resin in such a way to cause alignment of the flakes with their flat surfaces generally parallel, and [comminuting] converting the resultant solidified binder resin to make said small hard particles of at least two different sizes.
3. (amended) The method of making a filed hard surfacing material having [a new bold and] an aesthetically pleasing appearance, comprising adding pearlescent pigment ed particulate [ing additive particles made according to claim 1] comprising small hard resin particles of different sizes containing pearlescent reflective flakes which are aligned in each particle with their flat surfaces generally parallel [to] in a plastic material as a matrix to form a mix, and then forming and solidifying said mix[.], said particulate being made by mixing a binder resin with said pearlescent reflective flakes, solidifying the binder resin in such a way to cause alignment of the flakes with their flat surfaces generally parallel, and converting the resultant solidified binder resin to make said small hard particles of at least two different sizes.
5. (amended) A method according to claim 4 wherein the plastic material is a hard polyester or acrylic.
6. (amended) A method according to claim 5 wherein the plastic material is a hard polyester or acrylic.


COMMENTS

In the Office Action the Examiner objected to the disclosure as it did not include a reference to U.S. Patent No. 6,040,045. The Specification has been amended to include reference to this patent.

The Examiner has also rejected claims 1-6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner, however, did indicate that claims 1-6 would be allowable if amendments were made to claims 1, 3, 5 and 6 as suggested by the Examiner to overcome the rejection under 35 U.S.C. 112, second paragraph. The Applicant has amended claims 1, 3, 5 and 6 as substantially suggested by the Examiner. The Applicant clarifies for the Examiner that it is the "particulate" which comprises the small hard resin particles and is made by mixing a binder resin with pearlescent flakes, and not the "pigment." Applicant has made this clarification in the amendments to the claims.

Applicant respectfully submits that the above amendments now place the application in condition for allowance and respectfully requests allowance of this application.

Respectfully submitted,


Deborah Schavey Ruff
Registration No. 33,770

DATED: October 2, 2002

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MAYER, BROWN, ROWE & MAW

190 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603

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CHICAGO, ILLINOIS 60603

